

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KAILA DIETZ,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 3:18-cv-3

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

AMENDED ORDER ADOPTING REPORT AND RECOMMENDATION

This case is before the Court on Plaintiff's motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e). For good cause shown, Plaintiff's motion (Doc. #20) is **GRANTED**. Having reviewed the Report and Recommendation of the United States Magistrate Judge (Doc. #17), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court **ADOPTS** said Report and Recommendation.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendation (Doc. #17) is **ADOPTED** in full;
2. The Commissioner's non-disability determination is **REVERSED**;
3. This matter is **REMANDED** to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for an immediate award of benefits; and
4. An amended judgment entry issue and this case remain terminated on the docket of this Court.

Date: May 21, 2019

*s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE